REMARKS

In the Office Action dated July 25, 2006, claims 25 and 33 were rejected under 35 U.S.C. § 101; claims 3, 7, 9, 10, 12, 17, and 27 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,515,974 (Inoue) in view of U.S. Patent No. 6,535,511 (Rao); claims 5, 6, 13-16, 18-21, 23, 24, 28, 29, 31, and 32 were rejected under § 103 over Inoue in view of Rao and U.S. Patent No. 6,839,339 (Chuah); and claim 30 was rejected under § 103 over Inoue in view of U.S. Patent No. 6,195,705 (Leung), Rao, and Chuah.

REJECTION UNDER 35 U.S.C. § 101

Claims 25 and 33 have been amended to replace "A data signal embodied in a carrier wave" with "An article comprising at least one storage medium," which is similar to claim 10. The § 101 rejection has therefore been overcome.

Since no prior art rejection was asserted against claims 25 and 33, amended claims 25 and 33 are believed to be in condition for allowance.

REJECTIONS UNDER 35 U.S.C. § 103

CLAIM 4

Independent claim 4 was rejected as being obvious over the asserted combination of Inoue, Leung, and Rao. It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 4 over these references, as no motivation or suggestion existed to combine their teachings. *See* MPEP § 2143 (8th ed., Rev. 5), at 2100-126.

The Office Action conceded that Inoue does not disclose receiving a first IP packet having a payload portion containing a GTP data unit, where the IP packet has a header containing a private network address of a first node in the first wireless network, and the GTP data unit in the payload portion of the IP packet contains the private network address of the first node. 7/25/2006 Office Action at 5. However, the Office Action relied upon Leung as disclosing GTP. *Id.* at 5-6.

The Office Action further conceded that Inoue in view of Leung does not disclose translating the private network address in each of the header and payload portion to a public network address. *Id.* at 6. Instead, the Office Action relied upon Rao as disclosing this feature. *Id.*

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The Examiner also took official notice that "it is well known in tunneling to encapsulate a packet in a payload portion of another packet such that the encapsulated packet retains its header including the addresses." *Id.* However, without citing to any objective evidence, the Office Action concluded that "it would have been obvious to one of ordinary skill in the art at the time of the invention to have a first IP packet have a payload containing a GTP data unit, the GTP data unit containing the *private* network address of the first node since the GTP protocol is a well-known protocol." *Id.* (emphasis added). The statement that GTP is a well-known protocol does not support the assertion that it would be well known to include a *private* network address in the GTP data unit. Clearly, neither Inoue nor Leung even remotely suggests embedding a private address in the GTP data unit described in Leung. There is no other objective evidence that provided the teaching or suggestion to embed a private network address in the GTP data unit that is provided in the payload portion of the first IP packet, as recited in claim 4. Significantly, Leung refers to both network address translation as well as the use of GTP in a GPRS wireless network. However, although Leung refers to both GTP and network address translation, Leung fails to recognize that there was any need for performing network address translation of an address in the payload portion of a packet. This *strongly* suggests that any network address in the GTP data unit of Leung is *not* a private network address.

The Office Action has clearly failed to establish a *prima facie* case of obviousness. As held by the Federal Circuit, "[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness." *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). In fact, the PTO "can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would have lead that individual to combine the relevant teachings of the references." *Id.* Here, what the Office Action has apparently engaged in is simply citing to three different references as teaching three separate elements of claim 4, and then stating that because these references disclose such isolated claim elements, that claim 4 would have been obvious. It is respectfully submitted that this analysis is erroneous.

In fact, the references cited by the Office Action establish that the claimed subject matter is *non*-obvious over Inoue, Leung, and Rao. Inoue describes conventional address translation in which the source and destination addresses in only a *header* of a packet are translated. *See* Inoue,

9:51-57; 1:32-33. Inoue does not provide any suggestion of any desirability to embed a private network address into a payload portion of a data packet, or to translate the private network address contained in the payload portion of the data packet. It is important to note that at least as of the filing date of Inoue, a person of ordinary skill in the art did not recognize that network address translation of addresses in both the header and payload portion of a packet within wireless networks is desirable.

As noted above, the second reference cited by the Office Action, Leung, also refers to network address translation as well as the use of GTP in a GPRS wireless network. Although Leung refers to both GTP and network address translation, Leung fails to recognize that there was any need for performing network address translation of an address in both the header and payload portion of a packet.

In fact, Leung is assigned to the same assignee as Rao (Cisco). Even though Rao, which is directed to a traditional wired network environment, refers to network address translation of addresses in an IP header and payload, there was no indication by Rao that such techniques would be desirable in a wireless environment. Leung is objective evidence that, even within the same company, persons of ordinary skill in the art did not recognize that the techniques of Rao can be applied to Leung.

Thus, Inoue and Leung provide objective evidence that persons of ordinary skill in the art did not recognize any desirability to perform network address translation of both the header and payload in a packet in wireless networks.

In view of the foregoing, it is respectfully submitted that a *prima facie* case of obviousness has clearly not been established with respect to claim 4 over Inoue, Leung, and Rao.

CLAIMS 3 AND 10

Independent claims 3 and 10 were rejected as being obvious over Inoue and Rao. It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to either claim 3 or claim 10 for at least the reason that no motivation or suggestion existed to combine the teachings of Inoue and Rao. As explained above, the objective evidence of record establishes that a person of ordinary skill in the art would not have been motivated to combine the teachings of Inoue and Rao. Inoue describes conventional address translation in

which the source and destination addresses in only a header portion of a packet are translated. Absolutely no mention is made in Inoue of any desirability to perform translation of an address contained in they payload portion of the data network within a wireless environment. There existed no suggestion by Rao or by any other evidence of record that it would have been desirable to apply the teachings of Rao to modify the Inoue system.

Therefore, claims 3 and 10 are clearly allowable over Inoue and Rao.

CLAIMS 5 AND 18

Each of independent claims 5 and 18 were rejected as being obvious over Inoue, Rao, and Chuah. Again, a *prima facie* case of obviousness has not been established since there existed no motivation or suggestion to combine the teachings of these references. The Office Action conceded that Inoue and Rao do not disclose GPRS support nodes. 7/25/2006 Office Action at 7. However, the Office Action relied upon Chuah as disclosing GPRS support nodes. *Id.*

Rather than support the obviousness rejection, it is respectfully submitted that Chuah (like Leung) also provides objective evidence that a person of ordinary skill in the art did not recognize that translation of addresses in headers and payload portions would be desirable in a wireless environment. Chuah also teaches the use of GTP for communicating data in a wireless communications network. However, nowhere within Chuah is there any suggestion that network address translation of both a header and payload portion of a packet would be desirable.

Therefore, it is respectfully submitted that claims 5 and 18 are allowable over Inoue, Rao, and Chuah.

DEPENDENT CLAIMS

Dependent claims are allowable for at least the same reasons as corresponding independent claims. Moreover, in view of the allowance of base claims over corresponding combinations of references, it is respectfully submitted that the obviousness rejections of the dependent claims have also been overcome.

In view of the foregoing, it is respectfully requested that the rejections of the claims be withdrawn. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0090US).

Respectfully submitted,

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